

KAUAI PLANNING COMMISSION
REGULAR MEETING

Tuesday, February 10, 2015

9:00 a.m. or Soon Thereafter
Līhu'e Civic Center, Moikeha Building
Meeting Room 2A-2B
4444 Rice Street, Lihue, Kauai, Hawai'i

AGENDA

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF AGENDA

D. MINUTES of the meeting(s) of the Planning Commission

1. Meeting of January 13, 2015

E. RECEIPT OF ITEMS FOR THE RECORD

F. HEARINGS AND PUBLIC COMMENT (Noticed hearings will not commence until 9:00 a.m. or soon thereafter.) Individuals may orally testify on items on this agenda during the Public Comment Period. Please call the Planning Department prior to the meeting or notify Commission Staff at the meeting site. Testimony shall also be accepted when the agenda item is taken up by the Commission. However if an individual has already testified during this period, additional testimony at the agenda item testimony may be allowed at the discretion of the Chair. Testifiers shall limit their testimony to three (3) minutes, but may be extended longer at the discretion of the Chair. Written testimony is also accepted. An original and twelve (12) copies of written testimony can be hand delivered to the Planning Department or submitted to Commission Staff at the meeting site.

1. Continued Agency Hearing

- a. Class IV Zoning Permit Z-IV-2015-8, Project Development Use Permit PDU-2015-7, Variance Permit V-2015-1 and Special Management Area Use Permit SMA(U)-2015-6 to permit repair and reconstruction of the former Coco Palms Resort including but not limited to: 350 hotel units, Lotus Restaurant and Flame Room Bar, the Lobby Building, the Commercial Building, three swimming pools, Queen's Audience Hall, the Palms Lanai, Sea Shell Restaurant, Chapel in the Palms, 2 of 4 Bridge Crossings; the construction of a new Utility & Maintenance Building and a new Queen Lagoon Building into a spa and gym

F. HEARINGS AND PUBLIC COMMENT (Cont'd)

1. Continued Agency Hearing (Cont'd)

- a. facility on the site of the previously demolished structure. The project is situated in Wailua and located at 04-241 Kuhio Highway, further identified as Tax Map Keys 4-1-003: 004 (por.), 005, 007, 011, and 017 and 4-1-005: 014 and 017, and containing a total area of approx. 28.523 acres = *Coco Palms Hui, LLC*. [Director's Report received 1/13/15.]

1. Supplemental No. 3 Director's Report pertaining to this matter.

2. New Agency Hearing (NONE)

3. Continued Public Hearing (NONE)

4. New Public Hearing (NONE)

5. All remaining public testimony pursuant to HRS 92 (Sunshine Law)

G. CONSENT CALENDAR

1. Status Reports

- a. 2014 Annual Status Report for Special Management Area Use Permit SMA(U)-2006-5, Project Development Use Permit PDU-2006-7 and Class IV Zoning Permit Z-IV-2006-10, Tax Map Key 4-3-007: 027, Waipouli, Kauai – *Coconut Plantation Owners, LLC (formerly Coconut Plantation Holdings, LLC)*.

1. Director's Report pertaining to this matter.

- b. 2014 Annual Status Report for Project Development PDU-2013-15, Class IV Zoning Permit Z-IV-2013-7, Use Permit U-2013-14, Special Permit SP-2013-5, Tax Map Key 5-2-013: 001, Kilauea, Kauai – *The Resonance Project Foundation*.

1. Director's Report pertaining to this matter.

2. Director's Report(s) for Project(s) Scheduled for Agency Hearing on 2/24/15.

- a. Class IV Zoning Permit Z-IV-2015-12 and Use Permit U-2015-11 to operate a self-storage facility and resource recovery facility for construction materials within the Nawiliwili Bulk Sugar Building in Nawiliwili, situated along the makai side of Niumalu Road and approx. 350 ft. south of its intersection with Nawiliwili Road, further identified as 2670 Niumalu Road, Tax Map Key (4) 3-2-005: 009, and affecting a parcel approx. 3.454 acres in size = *Island Self-Storage, LLC*.

1. Director's Report pertaining to this matter.

G. CONSENT CALENDAR (Cont'd)

2. Director's Report(s) for Project(s) Scheduled for Agency Hearing on 2/24/15.
(Cont'd)

- b. Class IV Zoning Permit Z-IV-2015-11 and Use Permit U-2015-10 to operate a communications facility within the existing Waimea Baptist Church located in Waimea Town, situated along the mauka side of Kaumualii Highway and its intersection with Waimea Canyon Drive, further identified as 9611-A Kaumualii Highway, Tax Map Key (4) 1-6-009: 001, and affecting a parcel approx. 13,253 sq. ft. in size = ***Waimea Baptist Church.***

1. Director's Report pertaining to this matter.

H. EXECUTIVE SESSION

1. Pursuant to Hawaii Revised Statutes Sections 92-4 and 92-5(a)(4), and Kauai County Charter Section 3.07(E), the Office of the County Attorney requests an executive session to provide the Commission a legal briefing concerning Supreme Court of the United States decision in Koontz v. St. Johns River Water Management District (No. 11-1446) relative to conditions imposed on land use entitlements. This briefing and consultation involves the consideration of the powers, duties, privileges, immunities and/or liabilities of the Commission and the County as they relate to this agenda item.
2. Pursuant to Hawaii Revised Statutes Sections 92-5(a)(2 and 4), the purpose of this executive session is to discuss matters pertaining to the evaluation of the Planning Director. This session pertains to the Planning Director's evaluation where consideration of matters affecting privacy will be involved. Further, to consult with legal counsel regarding powers, duties, privileges and/or liabilities of the Planning Commission as it relates to the evaluation of the Planning Director.

I. GENERAL BUSINESS MATTERS

1. Time Extension Request regarding Special Management Area Use Permit SMA(U)-2014-4 to complete the project, Tax Map Key 2-8-018: 033, Poipu, Kauai = ***Nadine M. Rosenberger Trust.***
 - a. Director's Report pertaining to this matter.

J. COMMUNICATION (For Action) (NONE)

K. COMMITTEE REPORTS

1. **Subdivision** Subdivision Action matters listed in the Subdivision Committee Agenda (attached).

L. UNFINISHED BUSINESS (For Action)

M. NEW BUSINESS

1. **For Action – See Agenda F for Project Descriptions**

N. ANNOUNCEMENTS

1. Topics for Future Meetings
2. The following scheduled Planning Commission meeting will be held at 9:00 a.m., or shortly thereafter at the Lihue Civic Center, Moikeha Building, Meeting Room 2A-2B, 4444 Rice Street, Lihue, Kauai, Hawai'i 96766 on **Tuesday, February 24, 2015.**

O. ADJOURNMENT

EXECUTIVE SESSION: The Commission may go into an executive session on an agenda item for one of the permitted purposes listed in Section 92-5(a) Hawaii Revised Statutes ("H.R.S."), without noticing the executive session on the agenda where the executive session was not anticipated in advance. HRS Section 92-7(a). The executive session may only be held, however, upon an affirmative vote of two-thirds of the members present, which must also be the majority of the members to which the board is entitled. HRS Section 92-4. The reason for holding the executive session shall be publicly announced.

NOTE: Special accommodations and sign language interpreters are available upon request five (5) days prior to the meeting date, to the County Planning Department, 4444 Rice Street, Lihue, Hawaii 96766. Telephone: 241-4050

KAUAI PLANNING COMMISSION
SUBDIVISION COMMITTEE MEETING

Lihue Civic Center, Moikeha Building
Meeting Room 2A-2B
4444 Rice Street, Lihue, Hawaii 96766

Tuesday, February 10, 2015, 8:30 A.M.

AGENDA

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF AGENDA

D. MINUTES of the meeting(s) of the Subdivision Committee

1. Meeting of January 27, 2015

E. RECEIPT OF ITEMS FOR THE RECORD

1. Communication from Deputy Planning Director, Dee Crowell, requesting reconsideration of Tentative Subdivision Approval for subdivision application:
 - a. Subdivision Application No. S-2015-07
(Property Development Centers, LLC.)
Proposed 11-lot Subdivision
TMK: (4) 3-3-003:046
Līhu‘e, Puna, Kaua‘i

F. HEARINGS AND PUBLIC COMMENT

Individuals may orally testify on items on this agenda during the Public Comment Period. Please call the Planning Department prior to the meeting or notify Commission Staff at the meeting site. Testimony may also be accepted when the agenda item is taken up by the Commission at the discretion of the Chair. Testifiers shall limit their testimony to three (3) minutes, but may be extended longer at the discretion of the Chair. Written testimony is also accepted. An original and twelve (12) copies of written testimony can be hand delivered to the Planning Department or submitted to Commission Staff at the meeting site.

G. GENERAL BUSINESS MATTERS (For Action)

1. Tentative Subdivision Action (If Request for Reconsideration is Granted)

- a. Subdivision Application No. S-2015-07
 (*Property Development Centers, LLC.*)
 Proposed 11-lot Subdivision
 TMK: (4) 3-3-003:046
 Līhu‘e, Puna, Kaua‘i

- 1. Supplement # 1 to Subdivision Report.

H. UNFINISHED BUSINESS

I. NEW BUSINESS (For Action)

J. ADJOURNMENT

NOTE: Special accommodations and sign language interpreters are available upon request five (5) days prior to the meeting date, to the County Planning Department, 4444 Rice Street, Suite A473, Līhu‘e, Hawai‘i 96766. Telephone: (808) 241-4050.